
State Water Resources Control Board

June 20, 2017

To: Underground Storage Tank Owners and Operators, Unified Program Agencies, Service Technicians, Tank Testers and Other Interested Parties

CONTRACTOR LICENSE REQUIREMENTS FOR WORK ASSOCIATED WITH UNDERGROUND STORAGE TANKS (UST)

State Water Resources Control Board (State Water Board) staff has been alerted to a conflict between the contractor licensing requirements set forth in Health and Safety Code, division 20, chapter 6.7, section 25280 et seq. (Health & Saf. Code Ch. 6.7) and the California Code of Regulations, title 23, division 3, chapter 16, section 2610 et seq. (UST Regulations), with the Business and Professions Code, division 3, chapter 9, article 4, section 7048 et seq. (Bus. & Prof. Code Ch. 9, Art. 4) and California Code of Regulations, title 16, division 8, article 3, section 830 et seq. (Contractor Classification Regulations). This letter is to inform stakeholders that contractor licensing requirements of the California Contractors State License Board (CSLB) in the Bus. & Prof. Code Ch. 9 Art. 4 and the Contractor Classification Regulations supersede any conflicting licensing requirements identified in Health & Saf. Code Ch. 6.7 and the UST Regulations.

Health & Saf. Code Ch. 6.7 and the UST Regulations require individuals or companies performing work on USTs to possess a Tank Tester License issued by the State Water Board, or a current license issued by the CSLB. Specifically, the current list of permissible contractor licenses set forth in Health and Saf. Code Ch. 6.7, section 25284.1(a)(5)(D)(ii) and UST Regulations, section 2715(i) include the General Engineering Contractor (Class A), and specialty contractors C-10 Electrical Contractor, C-34 Pipeline Contractor, C-36 Plumbing Contractor, and C-61(D40) Limited Specialty. However, section 7059 of the Bus. & Prof. Code Ch. 9, Art. 4 prohibits specialty contractors (Class C licenses) from working in a classification unless they are licensed in that classification, or that work is incidental and supplemental to the work for which a specialty contractor is licensed. CSLB defines "incidental and supplemental" as work that is essential to the specialty of the contractor's license rather than the specialty of the project itself. (Contractor Classification Regulations, §§ 830 & 831.) Contractors must ensure the work they are performing on USTs meets the contractor license description as defined by the CSLB. State Water Board staff have prepared the enclosed table, *Contractor State License Board Description of Classification*, which identifies the CSLB description of classifications for the licenses above.

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Please note that section 7048 of the Bus. & Prof. Code Ch. 9, Art. 4 prohibits any individual from performing work that is valued at \$500 or more, for combined labor and materials costs, without a current and valid license issued by the CSLB. Individuals with a current Tank Tester License have the authority to perform UST work; however, these provisions do not supersede the CSLB license requirement for work greater than \$500 in value. Individuals with a Tank Tester License must have a CSLB license for any work that exceeds \$500. Additionally, work on a larger project may not be broken down to smaller amounts of less than \$500 in an attempt to meet the \$500 exemption.

The State Water Board intends to harmonize the UST Regulations with Bus. & Prof. Code Ch. 9, Art. 4 and the Contractor Classification Regulations regarding licensing requirements for work on USTs¹. Until such time, owners and operators must verify that all contractors working on their facilities are properly licensed as required by the CSLB. UPAs must not approve permit requests or approve work performed by individuals that do not hold the required license(s). In addition, individuals that perform work for which they are not properly licensed must be reported to the CSLB Enforcement Division.

For additional clarification regarding contractor licensing requirements, please visit the CSLB website at www.cslb.ca.gov or contact CSLB by phone at (800) 321-2752 or by email at Classifications@cslb.ca.gov.

Sincerely,



Laura S. Fisher, Chief
UST Leak Prevention Unit &
Office of Tank Tester Licensing

Enclosure (1)

Contractor State License Board Description of Classification

cc: [Via email only]

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¹ The International Code Counsel (ICC) certification requirements as defined in UST Regulations, section 2715 remain unchanged.

Contractor State License Board Description of Classifications¹

License	Trade	Contractors State License Board Description of Classification
A	General Engineering Contractor (BCP § 7056)	A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, mines and metallurgical plants, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the above mentioned fixed works.
C-10	Electrical Contractor (CSLB Classification Regulations, § 832.13)	An electrical contractor places, installs, erects or connects any electrical wires, fixtures, appliances, apparatus, raceways, conduits, solar photovoltaic cells or any part thereof, which generate, transmit, transform or utilize electrical energy in any form or for any purpose.
C-34	Pipeline Contractor (CSLB Classification Regulations, § 832.35)	A pipeline contractor fabricates and installs pipelines for the conveyance of fluids, such as water, gas, or petroleum, or for the containment or protection of any other material, including the application of protective coatings or systems and the trenching, boring, shoring, backfilling, compacting, paving and surfacing necessary to complete the installation of such pipelines.
C-36	Plumbing Contractor (CSLB Classification Regulations, § 832.36)	A plumbing contractor provides a means for a supply of safe water, ample in volume and of suitable temperature for the purpose intended and the proper disposal of fluid waste from the premises in all structures and fixed works. This classification includes but is not limited to: (a) Complete removal of waste from the premises or the construction and connection of on-site waste disposal systems; (b) Piping, storage tanks and venting for a safe and adequate supply of gases and liquids for any purpose, including vacuum, compressed air and gases for medical, dental, commercial and industrial uses; (c) All gas appliances, flues and gas connections for all systems including suspended space heating units. This does not include forced warm air units;

¹All information provided herein is excerpted from the Business and Professions Code (BPC) or California Code of Regulations, title 16, division 8, article 3, section 830 et seq. (CSLB Classification Regulations). For more information please go to the Contractor State Licensing Board's website located at: http://www.cslb.ca.gov/About_Us/Library/Licensing_Classifications/

Contractor State License Board Description of Classifications¹

		<p>(d) Water and gas piping from the property owner's side of the utility meter to the structure or fixed works;</p> <p>(e) Installation of any type of equipment to heat water, or fluids, to a temperature suitable for the purposes listed in this section, including the installation of solar equipment for this purpose; and</p> <p>(f) The maintenance and replacement of all items described above and all health and safety devices such as, but not limited to, gas earthquake valves, gas control valves, back flow preventors, water conditioning equipment and regulating valves.</p>
<p>C-61 (D40)</p>	<p>Service Station Equipment and Maintenance Contractor (CSLB Classification Regulations, § 832.61)</p>	<p>Note: Licensees holding this classification prior to January 18, 2001, may perform all the work as described below. Licenses issued after this date may perform the "calibration" work only.</p> <p>A service station maintenance contractor installs and/or removes underground fuel storage tanks up to 20,000 gallons which have been or are to be used for dispensing gasoline, diesel fuel, waste oil or kerosene (no chemicals). This work involves the installation and/or removal of all incidental tank related piping, electrical work, including the installation of vapor probes in back fill areas of the tanks and any associated calibration work, including but not limited to the testing and adjustment of leak detection and vapor recovery equipment, such as automatic tank gauges, leak line detectors, vapor recovery lines, and in-station diagnostics. This contractor also performs the installation of auto hoisting equipment, grease racks, compressors, air hoses, and other service station equipment.</p>

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